

A MEETING OF THE BOARD OF COMMISSIONERS OF
THE CITY OF SODDY-DAISY, TENNESSEE, WAS HELD
ON THURSDAY, JANUARY 21, 2010 AT 7:00 P.M.

MEMBERS PRESENT:
MAYOR SHIPLEY
VICE-MAYOR PRIVETT
COMMISSIONER ADAMS
COMMISSIONER HARMON
COMMISSIONER SKILES
CITY MANAGER STULCE
CITY ATTORNEY ELLIOTT
CITY RECORDER BURRIS

The minutes of the meeting held January 7, 2010 were approved as presented.

Old business:

2009-2010 ORDINANCE NO. 6
AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE, GRANTING
A FRANCHISE TO THE ELECTRIC POWER BOARD OF CHATTANOOGA, AN
INDEPENDENT BOARD OF THE CITY OF CHATTANOOGA, TENNESSEE TO
CONSTRUCT, OPERATE AND MAINTAIN A CABLE SYSTEM IN THE CITY OF
SODDY-DAISY, TENNESSEE, FOR THE PURPOSE OF PROVIDING CABLE SERVICE;
SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE
FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM,
AND THE PUBLIC RIGHTS-OF-WAY IN CONJUNCTION WITH THE CITY’S
RIGHT-OF-WAY ORDINANCE, IF ANY; AND PRESCRIBING PENALTIES
FOR THE VIOLATIONS OF THE PROVISIONS HEREIN.
SECOND AND FINAL READING.

City Attorney Elliott stated that the public hearing was held at the last meeting, but if there were any questions or comments now would be the time to address the Commission. Commissioner Adams asked if all the services would be provided using the existing right-of-ways. City Attorney Elliott answered yes. He stated that representatives of the Electric Power Board (EPB) were present asking them to come before the Board. Rick Hitchcock, attorney for EPB, introduced Katie Espeseth, Aaron Webb, David Wade, Diana Bullock, and Greg Eave, all representatives of the EPB who were present to address any questions. Mayor Shipley asked how soon the service would be available to the residents. Ms. Espeseth answered by the beginning of summer.

1st - Commissioner Adams
2nd - Commissioner Skiles
Ayes - Unanimous

New business:

AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
REZONING FROM R-2 URBAN RESIDENTIAL DISTRICT AND C-2
LOCAL BUSINESS DISTRICT TO C-2 LOCAL BUSINESS DISTRICT
A TRACT OF LAND LOCATED AT 8855 DAYTON PIKE.
PUBLIC HEARING AND FIRST READING.

Eddie Walker, 10515 Brickhill Lane, stated that Mr. Payne was out of state and he was present on his behalf. He said Mr. Payne wanted to have the entire parcel to be zoned to all commercial. There were no comments and/or questions during the public hearing nor any opposition. Vice-Mayor Privett noted that the

Planning Commission recommended that the rezoning be approved. City Attorney Elliott advised Mr. Walker that there would be a second reading of the ordinance on February 4, 2010.

1st - Vice-Mayor Privett
2nd - Commissioner Skiles
Ayes - Unanimous

AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
REZONING FROM R-2 URBAN RESIDENTIAL DISTRICT TO
C-2 LOCAL BUSINESS DISTRICT A TRACT OF LAND
LOCATED AT 109 SWAFFORD ROAD.
PUBLIC HEARING AND FIRST READING.

Mayor Shipley stated that it was the recommendation of the Planning Commission that the rezoning be approved. There was no opposition to the request nor comments or questions from those present.

1st - Vice-Mayor Privett
2nd - Commissioner Harmon
Ayes - Unanimous

AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
REZONING FROM R-2 URBAN RESIDENTIAL DISTRICT TO
C-2 LOCAL BUSINESS DISTRICT A TRACT OF LAND
LOCATED AT 110 LUTTRELL DRIVE.
PUBLIC HEARING AND FIRST READING.

Doug Smith, 110 Luttrell Drive, came before the Commission saying that he owned all the property on Luttrell Drive with the exception of this one parcel. He stated he did not want this, but he did not think that would stop the rezoning. He asked that a fence be put around the property with no gate coming onto Luttrell Drive. He said his concern was the future of the building on the property. He said he understood that the proposed use of the building is to house a motorcycle shop, Chattanooga Power Sports. His concern was the testing of the vehicles up and down Luttrell Drive. City Attorney Elliott questioned the access to Luttrell Drive if the fence is erected. Mr. Smith said a new access was put off of Dayton Pike. Commissioner Harmon said his concern was the loss of access if the business use ended. Mr. Smith said he had discussed this with the owner. His concern was not with the current owner saying that he would help him put up a gate to the fence but he would prefer to have a lock on the gate too. Commissioner Harmon stated he understood Mr. Smith's request for the lock. City Attorney Elliott said the City could place conditions on the zoning. Butch Burroughs, owner, spoke saying he had no problem with putting up a fence but may have a problem with the gate if he should use the property. Mr. Smith also complained of the noise problems as a result of the business. Vice-Mayor Privett said if there are violations of the noise ordinance, it needs to be enforced. Mr. Smith said he has called to complain with no results. Police Chief Hamrick was present and therefore aware of this complaint. City Attorney Elliott stated a concern of a fence cutting off legal access to the property, saying that until the alternate access is obtained, this would land lock this piece of property. After discussion, City Attorney Elliott suggested the following condition to the rezoning: "subject to the condition that a fence be erected to restrict

access from Luttrell Drive with the provision that if the current property owner utilizes the property for his personal noncommercial use, access to Luttrell Drive is permissible.” Mr.Burroughs and Mr. Smith were agreeable to this condition. Mayor Shipley stated that the Planning Commission’s recommendation was to deny the rezoning.

- 1st - Vice-Mayor Privett - to approve the rezoning with the condition discussed and agreed upon
- 2nd - Commissioner Harmon
- Ayes - Vice-Mayor Privett, Commissioner Harmon and Mayor Shipley
- Abstain - Commissioner Adams and Commissioner Skiles

City Attorney Elliott stated that the Ordinance passed on first reading by majority vote.

Citizens’ Participation:

Kathleen Penney, 245 Cox Lane, asked for an update on the emergency access. City Manager Stulce stated that shortly after he came to work he talked with Norfolk Southern Railroad about this access. He was told that they had no plans drawn nor had they agreed to relinquish the right-of-way for use of a street and that they would be back in contact with the City. Mayor Shipley said the City had engineered drawings of the proposed access. City Manager Stulce said he was told that the Railroad’s legal department had the request and a decision has yet to be made.

Tom Million, 12220 Macon Way, gave an update on the proposed work for the Plantation Subdivision. He said there are mixed feelings from the property owners agreeing to the proposal from Mr. Hill. He said there is silt still getting into the pipes and this is one of the reasons the people aren’t willing to commit. They feel that the work will not correct the problem until this is fixed. He asked if the others do not agree would he be okay to fix his part of it. Vice-Mayor Privett advised that if Mr. Million has approval from the property owners that adjoins his and if he follows the engineered drawings, he would be fine. City Attorney Elliott added that he could not put more than the natural flow of water onto the other properties. Vice-Mayor Privett said again, the residents have access to the engineer’s drawings to go by. Mayor Shipley agreed.

City Manager Stulce requested approval for expenditures which are a result of stimulus grant funds for the police department in the amount of \$30,298. He said various items will be purchased at various times and will comply with the City’s purchasing policy. He noted that all purchases were budgeted items. Vice-Mayor Privett said the items were listed in the capital outlay budget. A motion was made by Vice-Mayor Privett to approve the purchases. The motion was seconded by Commissioner Harmon and the motion carried unanimously.

City Manager Stulce said he has received a request from the Public Works Director/Building Inspector to hold condemnation hearings on three (3) properties, 147 Hood Circle, 11061 Old Dayton Pike, and 11651 Lakeview Circle. He said all property owners have been notified of the deficiencies. City Attorney Elliott

stated that he would be absent from the two meetings in February asking to set the hearings for March. After discussion, it was decided to hold the condemnation hearings on Thursday, March 18, 2010 at 6:00 p.m.

City Manager Stulce reported that estimates are being obtained for road repair on Dayton Pike at Karen Drive. He said the road repair is due to the sewer line meaning the roadway will have to be dug out and concrete put in the cut. Discussion was held as to who installed the line and would the contractor be responsible for perpetual care. Vice-Mayor Privett said he had spoken with WWTa about this particular cut and if they inspected the line. They informed him that the WWTa would be liable for one year. Mayor Shipley asked if Dayton Pike had been paved since the road cut was made. Vice-Mayor Privett said it had thus ending the perpetual care requirement.

City Manager Stulce reported that further pricing was being taken for two (2) squish pipe for Posey Hollow Road. He reported that paving on Daisy Dallas Road would begin as soon as the weather permits.

City Manager Stulce said he would seek some guidance from the Commission as to the operation and management of the ball fields for the adult league at the south park. He asked them to be prepared to discuss this at the next meeting.

City Manager Stulce reported that the Habitat for Humanity meeting will be held on Monday, January 25th at 7:00 p.m. Mayor Shipley said this was a worthy project requesting all Commissioners to attend if possible.

Commissioner Adams stated two or three months ago it was brought to the attention of the Board of a garbage situation on Dayton Pike at Tsati Terrace. He said it was still a problem, asking the status of correction. City Manager Stulce said the property owner has been contacted, the property cleaned up twice but that it is a reoccurring problem. Commissioner Harmon asked if the property owner could be fined. Vice-Mayor Privett said the Codes Officer could issue a citation. Mayor Shipley asked, since it is an ongoing problem, can the City order the property owner to put in a privacy fence. City Manager Stulce said his suggestion was to require a secure waste receptacle. City Attorney Elliott said this type requirement cannot be selective. Commissioner Skiles said he had a problem with making everyone change because of one owner. He said if the City needs to come up with something, write a citation to that one person. Discussion was held as to the road access to the duplex units on the property. Vice-Mayor Privett said he thought a road was to be put in on the south and north end of the property. He suggested reviewing the final plat to see if the drive was put in according to the plat.

Scout Troop #210 from Recobeth Baptist Church was in attendance.

ADJOURNMENT 8:07 P.M.

RECORDER SARA BURRIS